

IN The UNITED STATES DISTRICT COURT
For The Middle District of Alabama
Northern Division

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ROBERT ANDREW WARMUTH,
189991,

Plaintiff,

-vs-

SHANNON CARROLL YOUNG BLOOD,
et. al.,

Defendants.

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Case Number:

2:05 cv 644

Motion For Enlargement of Time

Comes now, the Plaintiff, Pro-Se, herein
and above named in the above styled and
numbered case, with inmate para-legal
assistance and hereby moves this Honorable
Court to entertain and grant this instant
"Motion" for the following causes, to wit:

I.

Jurisdiction

Plaintiff hereby files this instant motion
pursuant to F.R.Cv.P., Rule # 6(b) and
hereby invokes said Rule as jurisdiction for this
Honorable Court to entertain and grant this
instant "motion".

II.

Grounds In Support of
Granting This Motion

Ground # 1:

Plaintiff shows to this Court that on 8-31-05 this Court issued an "Order" ordering the Plaintiff to respond by 09-14-05.

Plaintiff shows to this Court that he did not receive said "Order" until the evening of 09-01-05.

Ground # 2:

Once said "Order" was received Plaintiff was not able access the law library for the first time until 09-02-05.

Ground # 3:

Said Law Library was closed on 09-03-05, 09-04-05, and 09-05-05.

Ground # 4:

Because Officer Jernigan, the gym officer is on vacation coupled with shortages of officers the law library was closed on several different occasions from 09-06-05 to 09-09-05, as said law library officer had to close the law library to help count and feed inmates.

Grounds # 5:

The law library was open for one (1) hour to the Plaintiff and his inmate para-legal 09-10-05 and closed the afternoon of 09-10-05 until the afternoon of 09-13-05.

Grounds # 6:

Plaintiff is being assisted by inmate para-legal as plaintiff has poor reading skills and low comprehensive and analytical skills and no training in law or ~~to~~ how to research law.

Grounds # 7:

Plaintiff's inmate para-legal lives in another dorm and for security reasons all dorms cannot have yard, gym, law-library together.

Hence, it may be several days before Plaintiff and his para-legal can work together.

Coupled with the tentative and miniscule law library hours of the past (10) days Plaintiff and his para-legal have had little time to respond to the Defendant's Response.

Grounds # 8:

Plaintiff shows to this Court he received this Court's Order on 09-01-05, but his first access to the law library was 09-02-05

From 09-03-05 to 09-06-05 the law library was closed.

From the afternoon of 09-10-05 to 09-13-05 the law library was/will be closed. Hence, a total of (6 1/2) days of (14) were lost to the Plaintiff.

During the week of 09-06-05 to 09-09-05 Plaintiff and his para-legal were only able to access the law library together for approximately (2) hours.

The law library will not open again, hopefully on the afternoon of 09-13-05, not enough time to research, prepare, and mail a response to the Court and the defendants.

Ground #9:

also, the Law Library Books are shared with prisoners in Dorm # 5 and #6 who are on lockdown, hence; several of the books Plaintiff needed for research (i.e., immunity, etc.), thus; further hindering the Plaintiff and para-legal to research and prepare his response.

Ground #10:

also, Plaintiff has reserved the right to add additional defendants, and from Defendant's reports, Plaintiff will be amending Defendants.

Ground # 11:

also, from Defendant's Response, Plaintiffs will be filing a dismissal of one defendant and amending one defendant's role to a lesser participation.

IIICONCLUSION AND Prayer For Relief

WHEREFORE PREMISES Shown: and pursuant to F.R.C.V.P., Rule # 6 (b), Plaintiffs pray for an additional (14) days through 09-28-05 for ~~additional~~ additional time to properly prepare his response to the Defendant's Response to give this Court as much information as possible to make a fair and just adjudication to this instant case at bar.

Plaintiff further prays for any further relief this Court deems just, proper, and necessary. Executed this the 10th day of September, 2005.

I hereby affirm pursuant to 28 U.S.C., § 1746, et. seq., the foregoing is true and correct under penalty of perjury.

Respectfully Submitted,

x

ROBERT A. WARMUTH
PLAINTIFF, Pro-Se

Certificate of Service

I hereby certify that I have served upon the Defendant's attorney a copy of the foregoing by placing same in the United States mail Box, located at Easterning Correctional Facility, postage prepaid, and, addressed correctly.

Executed this the 10th day of September, 2005.

x Robert Wennuth

Robert A. Wennuth,
Plaintiff, Pro-se

Address of Plaintiff:

Robert Andrew Wennuth, Pro-se
Easterning Correctional Facility
ECF * # 189991 * Dorm - C/B-38
200 - Wallace Drive
Clio, ALABAMA 36017-2615

IN LIEU of A Notary Public

Due to the lack of a Notary Public and pursuant to 28 U.S.C. § 1746, et. seq. Plaintiff hereby provides (2) witnesses who hereby witness the Plaintiff sign and mail this motion under Penalty of Perjury.

Witness: Ron Roblin

Date: 09-10-05

Witness: John A. Ward #200807

Date: Sept 10, 2005